

Message Text

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ACTION EUR-12

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C O N F I D E N T I A L BONN 15388

E.O. 11652: GDS
TAGS: CGEN, PGOV, GE, GW, BQG
SUBJECT: US-GDR CONSULAR CONVENTION: TALKING POINTS

REFS: (A) STATE 215052
(B) BERLIN 5506 (NOTAL

1. IN ADDITION TO THE CONTINGENCY TALKING POINTS IN
REF A, WE REQUEST AUTHORITY TO USE THE ADDITIONAL
FOLLOWING CONTINGENCY TALKING POINTS IN THE BONN GROUP
SHOULD OBJECTIONS BE MADE TO THE USE OF THE WORD
"CITIZEN."

--THE TERM "CITIZEN" WAS USED IN THE AGREED MINUTE,
ON THE ESTABLISHMENT OF DIPLOMATIC RELATIONS AND THIS
IS A PUBLIC DOCUMENT (REF B).

--TO OUR KNOWLEDGE, THE GDR HAS NOT CITED THE USE OF
THE WORD "CITIZEN" IN THE AGREED MINUTE IN DISCUSSIONS
WITH THE US OR THIRD COUNTRIES IN ORDER TO CLAIM THAT
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THE US ACCEPTS THE GDR VIEW ON THE NATIONALITY ISSUE.

--TO SEEK TO FIND ALTERNATIVE LANGUAGE IN ORDER TO
AVOID THE USE OF SUCH AN OBVIOUS REFERENCE TO "CITIZENS"
COULD FLAG THE ISSUE FOR THE GDR AND MAKE THIS A STICK-
ING POINT WITH THE GDR. THIS IN TURN MIGHT CAUSE THE
GDR TO FEEL THAT ITS PRESTIGE HAD BEEN ENGAGED AND TO

MAKE UNREASONABLE DEMANDS AS A RESULT.

--AS WE SAID AT THE POLITICAL DIRECTORS' MEETING AT THE NATO MINISTERIAL IN WASHINGTON, WE HAVE NO INTENTION OF COMPROMISING OUR POSITION ON GERMAN NATIONALITY. AT THE SAME TIME, WE WISH TO DEVELOP A MORE NORMAL RELATIONSHIP WITH THE GDR AND HAVE MADE THE CONSULAR AGREEMENT A CONDITION PRECEDENT TO THIS DEVELOPMENT. SINCE THE DEPARTMENT BELIEVES THE LIKELIHOOD OF SUCCESS OF NEGOTIATING THE CONSULAR CONVENTION GREATER IF THE TEXT GIVEN TO THE BONN GROUP REMAINS UNCHANGED, IT CONSIDERS IT IMPORTANT THAT THE TEXT NOT BE CHANGED IN ANY SUBSTANTIVE FASHION.

--OUR UNDERSTANDING FROM THE DISCUSSION AT THE POLITICAL DIRECTORS' MEETING AT THE LAST NATO MINISTERIAL IS THAT THE FRG DOES NOT DISPUTE THAT THE GDR HAS CITIZENS BUT THAT THE IMPORTANT POINTS FOR THE FRG ARE THE CONTINUATION OF GERMAN NATIONALITY AND FRG CONSULAR ACCESS TO THOSE GERMANS FROM THE GDR WHO WANT TO SEE AN FRG CONSULAR OFFICER. WE ARE PREPARED TO GIVE A FORMAL ASSURANCE OF SUCH ACCESS.

2. COMMENT: THE FOREGOING IS RECOMMENDED IN ORDER TO SERVE TWO PURPOSES. FIRST, PAST PRACTICE IS OFTEN A CONVINCING ARGUMENT IN THE BONN GROUP. WE WOULD CONFIDENTIAL

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PROPOSE TO STATE MATTER-OF-FACTLY THAT THE WORD "CITIZEN" HAS BEEN USED BEFORE. SECOND, WE SUSPECT THAT ANY OBJECTIONS, IF THEY DO ARISE, WILL BE NOT SO MUCH FROM THE POLITICAL SIDE BUT THE LEGAL SIDE OF THE FOREIGN OFFICE. BY SAYING THAT THE DEPARTMENT CONSIDERS THE RETENTION OF THE WORD "CITIZEN" TO BE IMPORTANT, AND BY REFERRING TO THE BROADER POLITICAL CONSIDERATIONS OF OUR BILATERAL RELATIONS WITH THE GDR, WE WOULD PROBABLY STAND A BETTER CHANCE OF OVERCOMING THE OBJECTIONS OF ANY LEGAL PURISTS WHO MAY OBJECT TO THE USE OF THE WORD.

3. AS INSTRUCTED, WE WILL NOT MENTION THE PRECEDENT OF THE FISHERIES AGREEMENT.

4. ACTION REQUESTED: DEPARTMENT'S APPROVAL OF ADDITIONAL CONTINGENCY TALKING POINTS.
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